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*Attorneys for Federal Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILD HORSE EDUCATION, a nonprofit  
corporation, and LAURA LEIGH, individually,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF THE  
INTERIOR, BUREAU OF LAND  
MANAGEMENT, and JON RABY, Nevada  
State Director of the Bureau of Land  
Management,

*Federal Defendants.*

Case No. 3:23-cv-00372-LRH-CB

**FEDERAL DEFENDANTS'  
MOTION TO SET SCHEDULE FOR  
PLAINTIFFS' REQUEST FOR  
TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION**

On August 1, 2023, Plaintiffs Wild Horse Education and Laura Leigh (collectively, "Plaintiffs") filed a motion for temporary restraining order and preliminary injunction. ECF No. 10 ("TRO Motion"). In their motion, Plaintiffs request that the Court enjoin the Bureau of Land Management ("BLM") and Jon Raby, in his official capacity as the State Director for

BLM in Nevada (collectively, “Federal Defendants”), from completing a crucial gather of wild horses and burros being conducted under the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331-1340, until Federal Defendants cease certain alleged violations of the Wild Free-Roaming Horses and Burros Act, Administrative Procedure Act, and First Amendment. TRO Motion at 7. Plaintiffs filed their TRO Motion about three weeks after the gather began on July 9, 2023, and before Federal Defendants had been served with the Complaint (as of the time of this filing, service on Federal Defendants has still not been perfected).

In order to allow Federal Defendants a sufficient opportunity to respond to Plaintiffs’ request for the extraordinary remedy of emergency injunctive relief, including obtaining declarations from on-the-ground agency personnel, and in the interest of enabling the Court to make as informed of a decision as possible, Federal Defendants respectfully request that the Court enter the following briefing and hearing schedule:

- Federal Defendants shall file their response to Plaintiffs’ TRO Motion on **Monday, August 7, 2023.**
- If the Court deems that a TRO hearing is necessary after review of the parties’ papers, a hearing will be held as soon as practicable for the Court, but no earlier than **Thursday, August 10, 2023.**

To the extent that it is possible and not a burden for the Court, given the short notice and the location of Federal Defendants’ counsel in Washington D.C., Federal Defendants respectfully request their preference for a virtual hearing using videoconferencing software.

Dated: August 2, 2023

Respectfully Submitted,

TODD KIM, Assistant Attorney General  
U.S. Department of Justice  
Environment & Natural Resources Division

/s/ Taylor A. Mayhall  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 2, 2023, I filed the foregoing MOTION TO SET SCHEDULE electronically through the CM/ECF system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Taylor A. Mayhall

Taylor A. Mayhall  
U.S. Department of Justice